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United States Attorney
COURTNEY J. LINN
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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. APPROXIMATELY \$44,888.35
SEIZED DECEMBER 3, 2003, FROM
WELLS FARGO BANK ACCOUNT NO.
141-4412260, HELD IN THE NAME OF
RED ROCK GROUP, LLC,

2. APPROXIMATELY \$42,480.93
SEIZED DECEMBER 3, 2003, FROM
WELLS FARGO BANK ACCOUNT NO.
856-6284678, HELD IN THE NAME OF
FIDELE UTILE MEILLEUR FAMILIAL,
LLC,

3. APPROXIMATELY \$4,700.00
SEIZED DECEMBER 3, 2003, FROM
WELLS FARGO BANK ACCOUNT NO.
101-0099594, HELD IN THE NAME OF
CARLO MIRELES,

4. APPROXIMATELY \$7,097.71
SEIZED DECEMBER 3, 2003, FROM
WELLS FARGO BANK ACCOUNT NO.
693-4332799, HELD IN THE NAME OF
CARLO MIRELES,

5. APPROXIMATELY \$11,772.14

2:04-CV-00204-DFL-DAD

STIPULATION AND ORDER FOR
INTERLOCUTORY SALE OF 2002 GMC
DENALI, VIN:1GKFK66U32J199497,
NEVADA LICENSE NO. 661NHJ,
REGISTERED TO CARLO R. MIRELES

1 SEIZED DECEMBER 3, 2003, FROM
2 WELLS FARGO BANK ACCOUNT NO.
3 063-2395307, HELD IN THE NAME OF
SCOTT POLL/CARLO MIRELES POA,

4 6. APPROXIMATELY \$1,941.42
5 SEIZED DECEMBER 3, 2003, FROM
6 WELLS FARGO BANK ACCOUNT NO.
063-2708806, HELD IN THE NAME OF
WEST COAST ENTERTAINMENT, INC.,

7 7. APPROXIMATELY \$12,268.67
8 SEIZED DECEMBER 3, 2003, FROM
9 WELLS FARGO BANK ACCOUNT NO.
046-5084093, HELD IN THE NAME OF
SCOTT POLL DBA WEST COAST
ELECTRONICS,

10 8. APPROXIMATELY \$119,513.39
11 SEIZED DECEMBER 3, 2003, FROM
12 WASHINGTON MUTUAL BANK ACCOUNT
NO. 429-444659-1, HELD IN THE
NAME OF SCOTT POLL, AND

13 9. 2002 GMC DENALI,
14 VIN:1GKFK66U32J199497, NEVADA
15 LICENSE NO. 661NHJ, REGISTERED
TO CARLO R. MIRELES,

16 Defendants.

17
18 1. The United States of America, by and through its counsel,
19 Courtney J. Linn, Assistant United States Attorney, filed this action
20 in the Eastern District of California on January 29, 2004, seeking the
21 forfeiture of the 2002 GMC Denali, Nevada License No. 661NHJ,
22 VIN:1GKFK66U32J199497, Registered to Carlo R. Mireles,
23 (hereinafter the "defendant vehicle").

24 2. On or about February 10, 2004, the defendant vehicle was
25 arrested. Notice of the action was published on March 8, 15 and 22,
26 2004 in the Daily Recorder (Sacramento County) and on April 30, May
27 7 and 14, 2004 in the Las Vegas Review Journal.

1 3. On February 12, 2004, Potential Claimant Carlo Mireles
2 entered a guilty plea in the parallel criminal case of *U.S. v. Carlo*
3 *Mireles, et al.*, CR-S-03-0535 DLF. As part of his plea, Mireles
4 agreed to execute any documents required to forfeit the defendant
5 vehicle.

6 4. On March 18, 2004, a Stipulation for Final Judgment of
7 Forfeiture was filed wherein Potential Claimant Carlo Mireles
8 voluntarily forfeited all his right, title and interest in the
9 defendant vehicle. Potential Claimant Carlo Mireles stipulated that
10 the above-captioned assets, including the defendant vehicle,
11 constitute or were derived from the proceeds of the mail fraud offense
12 to which he has pleaded guilty in violation of 18 U.S.C. §§ 1341
13 and/or were involved in, or traceable to the violation of 18 U.S.C.
14 § 1956(h) to which he has pleaded guilty.

15 5. On or about March 29, 2004, Franklin Capital Corporation
16 submitted a verified claim to the U.S. Attorney's Office. In that
17 claim, they stated that on or about March 25, 2002, Potential Claimant
18 Carlo R. Mireles executed and delivered to Franklin Capital
19 Corporation a promissory note in the principal amount of \$32,506.60.
20 The note was and is secured by an automobile certificate of title to
21 the defendant vehicle issued and recorded on May 4, 2002. As of March
22 29, 2004, the principal due and owing to Franklin Capital Corporation
23 was \$3,849.73 and interest due and owing was \$139.48. The interest
24 continues to accrue at a rate of \$1.07 per day (9.95% per annum).
25 That claim was not filed with the Court.

26 6. No other person or entity has filed a claim to the defendant
27
28

1 vehicle and the time to do so has expired¹ .

2 7. The parties agree that the defendant vehicle should be sold
3 to preserve its value pending further order of the Court.

4 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that plaintiff,
5 United States of America, Potential Claimant Carlo Mireles and lien
6 holder Franklin Capital Corporation, by and through their undersigned
7 counsel, consent to the following:

8 1. The legal description of the defendant vehicle is: 2002 GMC
9 Denali, Nevada License number 661NHJ, VIN:1GKFK66U32J199497, and owner
10 of record is Carlo R. Mireles.

11 2. In furtherance of the interlocutory sale, Potential Claimant
12 Carlo Mireles agrees to execute promptly any documents that may be
13 required to complete the interlocutory sale of the defendant vehicle.

14 3. The Secretary of Treasury, or his designee, shall sell the
15 defendant vehicle in the most commercially feasible manner, as soon
16 as reasonably possible, for the maximum price.

17 4. Upon the sale of the defendant vehicle, the net sale
18 proceeds, less any payment to satisfy Franklin Capital Corporation's
19 loan, and less any storage fees, maintenance fees, disposal costs and
20 auctioneer fees, will be deposited in the U.S. Treasury Asset
21 Forfeiture Suspense Account as the substitute res in this case, and
22 held pending further order of the Court. As of March 29, 2004, the
23 principal due and owing to Franklin Capital Corporation was \$3,849.73
24 and interest due and owing was \$139.48. The interest continues to
25 accrue at a rate of \$1.07 per day (9.95% per annum).

26 ¹ Darryl Scott Poll filed a claim to other assets in the case.
27 His claim remains to be adjudicated.

5. The parties acknowledge that they have obtained the advice of counsel, or have declined to do so, and that they are entering into this stipulation for interlocutory sale knowingly and voluntarily.

6. All parties are to bear their own costs and attorneys' fees.

Dated: 6/30/06

McGREGOR W. SCOTT
United States Attorney

/s/ Kristin S. Door for
COURTNEY J. LINN
Assistant U.S. Attorney

Dated: 6-6-06

/s/ Carlo Mireles
CARLO MIRELES
Potential Claimant

Dated: 6/27/06

/s/ Daniel J. Broderick
DANIEL J. BRODERICK
Attorney for Potential Claimant
Carlo Mireles

Dated: June 1, 2006

/s/ Dave Morris
DAVE MORRIS, Vice President
Franklin Capital Corporation

(Original signatures retained by attorney)

ORDER

IT IS SO ORDERED.

DATED: July 7, 2006

/s/ David F. Levi
DAVID F. LEVI
United States District Judge